

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT THOMAS, SCOTT PATRICK HARRIS, MICHAEL BELL, SANDRA PALUMBO, FRANK KARBARZ, and THOMAS DAVIS on behalf of themselves and all others similarly situated,

Plaintiffs,

V.

LENNOX INDUSTRIES INC.

Defendant.

Case No: 13 CV 7747

Hon. Sara L. Ellis

**AGREED MOTION FOR AN EXTENSION OF TIME
TO FILE MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT AND
TO RESET PRELIMINARY APPROVAL HEARING**

Plaintiffs, Robert Thomas, Scott Patrick Harris, Michael Bell, Sandra Palumbo, Frank Karbarz, and Thomas Davis, on behalf of themselves and all others similarly situated (hereinafter referred to as “Plaintiffs”), and Defendant Lennox Industries Inc. (“Lennox”) respectfully move this Court for an extension of time up to and including May 22, 2015, for Plaintiffs to file a motion for preliminary approval of class settlement and to reset the preliminary approval hearing to May 29, 2015. In support thereof, the parties state as follows:

1. Plaintiffs filed an amended class action complaint including six proposed subclasses and alleging claims for breach of warranty, fraudulent concealment, unjust enrichment, and violations of certain state consumer protection statutes premised on Lennox's sale of air-conditioning units with copper evaporator coils.

2. Lennox answered Plaintiffs' amended complaint, and over the past year, the parties engaged in several rounds of mediation.

3. On January 14, 2015, the parties appeared before the Court and reported that they

had begun work on a comprehensive class action settlement agreement. The Court ordered that the parties submit preliminary approval paperwork by April 7, 2015 and scheduled the preliminary approval hearing for April 14, 2015.

4. Since the January 14, 2015 status hearing, the parties have worked diligently to prepare and execute a comprehensive class action settlement agreement. The parties have also retained a settlement administrator to prepare and disseminate the class notice. As of the filing of this motion, the parties have nearly finalized the Stipulation and Agreement of Settlement and anticipate execution within the next month. The parties, moreover, request an additional 45 days to conduct confirmatory discovery and finalize the plan for disseminating the proposed class notice. Completion of both steps is necessary before Plaintiffs are able to file a motion for preliminary approval of the class settlement.

5. This motion is made in good faith and not for purposes of delay.

WHEREFORE, the parties request that the Court grant this agreed motion and permit the parties an additional 45 days, or until May 22, 2015, for Plaintiffs to file their motion for preliminary approval of class settlement and reset the preliminary approval hearing to May 29, 2015.

Dated: April 6, 2015

Respectfully submitted,

ROBERT THOMAS, et al.,
Class Representative Plaintiffs

LENNOX INDUSTRIES INC.

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CERTIFICATE OF SERVICE

The undersigned, Norman K. Beck, an attorney, hereby certifies that on April 6, 2015, I caused a copy of the attached **Agreed Motion for An Extension of Time to File Motion for Preliminary Approval of Class Settlement and To Reset Preliminary Approval Hearing** to be served on the following entities by ECF.

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